

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Charles Stewart Cohen
Ofelia Cohen

Debtor(s)

Wilmington Savings Fund Society, FSB, d/b/a
Christiana Trust, not individually but as Trustee for
Pretium Mortgage Acquisition Trust

Movant

vs.

Charles Stewart Cohen
Ofelia Cohen

Debtor(s)

Gary F. Seitz Esq.

CHAPTER 7

NO. 18-12705 AMC

11 U.S.C. Section 362

**MOTION OF WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA
TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE
ACQUISITION TRUST FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362**

1. Movant is Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as Trustee for Pretium Mortgage Acquisition Trust.

2. Debtor(s) are the owner(s) of the premises 333 Rosemary Lane, Narberth, PA 19072 hereinafter referred to as the mortgaged premises.

3. Movant is the holder of a mortgage, original principal amount of \$850,000.00 on the mortgaged premises that was executed on December 14, 2009 . Said mortgage was recorded on December 22, 2009 in Instrument Number 2009132326. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on December 29, 2017, at Book 14463, Page 00905-00907 in Montgomery County.

4. Gary F. Seitz Esq., is the Trustee appointed by the Court.

5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 7 Petition in Bankruptcy by Debtor(s).

6. Debtor(s) have failed to make the monthly mortgage payments in the amount of \$6,188.29 for the months of June 2016 through January 2017; \$6,719.54 February 2017 through January 2018; and \$6,896.62 for the February 2018 through May 2018 with accumulated late charges in the amount of \$2,572.09 on the mortgage subsequent to the filing of the Bankruptcy Petition.

7. The total amount necessary to reinstate the loan is **\$154,111.08**.

8. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$750.00 in legal fees and \$181.00 in legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

9. Movant is entitled to relief from stay for cause. Furthermore, Movant is not adequately protected.

10. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Rebecca A. Solarz, Esquire

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Dated: June 4, 2018